

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-91-D

DOROTHY H. ORTIZ,

Plaintiff,

v.

THE VANCE COUNTY SCHOOL
ADMINISTRATION UNIT, and
VANCE COUNTY BOARD OF
EDUCATION,

Defendants.

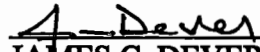
ORDER

On March 6, 2018, Dorothy H. Ortiz (“Ortiz” or “plaintiff”) filed a complaint against the Vance County School Administrative Unit d/b/a Vance County Public Schools (“VCPS”) and the Vance County Board of Education (“Board”, collectively “defendants”), alleging retaliation and harassment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and intentional infliction of emotional distress (“IIED”) in violation of North Carolina law [D.E. 1]. On June 4, 2018, Ortiz moved to amend her complaint [D.E. 15]. On September 24, 2018, the court granted Ortiz’s motion to amend [D.E. 25].

On October 1, 2018, Ortiz filed an amended complaint [D.E. 26]. On October 10, 2018, defendants moved to dismiss Ortiz’s complaint for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted [D.E. 31] and filed a memorandum in support [D.E. 32]. On October 31, 2018, Ortiz responded in opposition [D.E. 33, 34]. On November 13, 2018, defendants replied [D.E. 35]. On December 19, 2018, Ortiz moved for leave to file a second amended complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure [D.E. 36]. Ortiz also filed a memorandum in support and a proposed second amended complaint [D.E. 37, 36-4].

The court GRANTS Ortiz's motion for leave to amend her complaint [D.E. 36]. In light of that motion, defendants' motion to dismiss [D.E. 31] is DISMISSED as moot. Ortiz shall file the amended complaint by December 27, 2018. Defendants may plead in response to the amended complaint. See Fed. R. Civ. P. 15(a)(3).

SO ORDERED. This 21 day of December 2018.



JAMES C. DEVER III
United States District Judge